

PCT Rec'd PCT/PTO 1
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or Agent's file reference MDI 37 | | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/FR 03/02527 | International filing date (<i>day/month/year</i>) 13.08.2003 | | Priority date (<i>day/month/year</i>) 13.08.2002 |
| International Patent Classification (IPC) or both national classification and IPC B62D47/00 | | | |
| Applicant MDI – MOTOR DEVELOPMENT INTERNATIONAL S.A. | | | |

1. This International Preliminary Examination Report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- | | |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I | <input checked="" type="checkbox"/> Basis of the report |
| II | <input type="checkbox"/> Priority |
| III | <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step or industrial application |
| IV | <input type="checkbox"/> Lack of unity of invention |
| V | <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> Certain documents cited |
| VII | <input type="checkbox"/> Certain defects in the international application |
| VIII | <input type="checkbox"/> Certain observations on the international application |

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|------------------------------------------------|-------------------------------------------------|
| Date of submission of the demand 13.03.2004 | Date of completion of this report 22.10.2004 |
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| Name and mailing address of the IPEA European Patent Office D-80298 Munich Tel. + 49 89 2399 - 0, Telex: 523656 epmu d Fax: + 49 89 2399 - 4465 | Authorized officer Spinelli, V Telephone no. +49 89 2399-2903 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|

I. Basis of the report

1. With regard to the **elements** of the international application (*the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17))*):

Description, pages:

1-12 as originally filed

Claims No.:

1-7 as originally filed

Drawings, sheets:

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language:
which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b))
- ☐ the language of publication of the international application (under Rule 48.3 (b))
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequences** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to the Authority in written form.
- ☐ furnished subsequently to the Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- | | |
|-------------------------------------------|---------|
| <input type="checkbox"/> the description, | pages: |
| <input type="checkbox"/> the claims, | Nos. |
| <input type="checkbox"/> the drawings, | sheets: |

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to be beyond the disclosure as filed, as indicated below (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report)

6. Additional observations, if necessary:

V. Reasoned statement under Rule 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|--------------------------|------|--------------|
| Novelty | Yes: | Claims 2,4-7 |
| | No: | Claims 1,3 |
| Inventive step | Yes: | Claims 2,4-7 |
| | No: | Claims 1,3 |
| Industrial applicability | Yes: | Claims 1-7 |
| | No: | |

2. Citations and explanations

See separate sheet.

Part V

1.1 The document which is the nearest to the object of the application is D1=FR-A 2 606 354 which is about (see fig. 3 and page 1, line 1-page 3, line 4; line 18-page 4, line 19; page 5, lines 13-17; page 6, lines 10-15) a modular, road transportation vehicle operated by air compressed motor-compressors motor-alternators in agreement with the subject of claim 1, in so far as it contains:

- several self-propelled transportation modules 10, 20 linked through remote control means to a pilot module 21,22;
- each pilot module 21, 22 and each transportation module 10, 20 carries its own storage tanks of compressed air, its own engine-transmission set and its own braking means;
- each transportation module 10, 20 contains a steering device operated by remote control by the steering device of the pilot module 21, 22, which is itself commanded by the driver.

1.2 Moreover, the modular road transportation vehicle cited by document D1 shows remote control means for the additional transportation modules that are wire-controlled (claim 3).

1.3 The object of claims 1 and 3 is not new compared with the content of document D1: the corresponding claims 1 and 3 do not meet with the requirements of Article 33(1-4) of the PCT.

2. The combination of the characteristics of claims 2, 4 to 7 is not contained in the current state of the art and cannot be derived from it in an obvious way. An independent claim including the characteristics of the said claims would satisfy the requisites of Art. 33(1-4) of the PCT, in so far as the characteristics known in combination in document D1 are indicated in the first part of the said claim (rule 6.3b) of the PCT).

3. Contrary to what is required by rule 5.1a)ii of the PCT, the description does not mention the related prior state of the art that is depicted in document D1 and does not mention the said document.

4. The characteristics appearing into the claims do not have reference numbers put in parenthesis (rule 6.2b) of the PCT).